<u>REMARKS</u>

Reconsideration and withdrawal of all grounds of rejection, and allowance of the pending claims are respectfully requested in light of the remarks made herein.  Claims 1-11 remain pending.

The Drawings stand objected too.  In response, replacement sheets have been provided with descriptive labels as indicted by the Examiner with computer generated labels.  Accordingly, applicants request removal of this objection.

Claims 1, 3-6 stand rejected under 35 USC 103(a) as being unpatentable over Brookes et al. (US PAP 2004/0059575) in view of Belenger et al. (US Patent No: 7,143,033).

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claims.

It is respectfully submitted that in order to establish a *prima facie* case of obviousness, three basic criteria must be met;

> 1. there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings;

2. there must be a reasonable expectation of success; and

3. the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)

Claim 1 recites the limitations of: "a speech recognition device ... first language-property recognition means (20) ... to recognize a first language property and ... second language-property recognition means (21, 22, 23) ... to recognize a second language property of the speech information (SI) ... wherein the first language property characterizes context of the speech information and the second language property is selected from the group consisting of speech segmentation, language information, and speaker group." As indicated in the Final Office Action, Brookes fails to teach a second language property means.... the second language property is selected from the group consisting of speech segmentation, language information, and speaker group. The addition of Belenger fails to cure the infirmity of Brookes. Independent claims 6 and 11 recite similar limitations.

The Final Office Action points to Belenger, Abstract, FIG. 1 to show second language-property recognition means and FIG. 3 to the limitations of "the second language property is selected from the group consisting of speech segmentation, language information, and speaker group." Applicants respectfully disagree. In the Abstract, FIG. 1, Belenger teaches a multi-language phonetic transcribing system with a selectable

language phonetic phoneme library not a second language-property recognition means as claimed, see also FIG. 1 of the present invention elements 21-23, second through fourth language-property recognition means. Further, Belenger in FIG. 3 simply shows a table of English phonemes and one possible encoding scheme and not that the second language property is selected from the group consisting of speech segmentation, language information, and speaker group, as claimed.

Further, applicants respectfully submit that Brookes and Belenger, either alone or in combination, fail to provide the motivation to combine as asserted in the Final Office Action, without improper hindsight by "use[ing] the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention," see *In Re Denis Rouffet,* 47 USPQ.2d 1453, 1457-58 (Fed. Cir. 1998). The Final Office Action indicates that the recognition means of Brookes would be executed following language detection and phoneme set selection of Belenger in order for the unit to function.

To simply state that the general idea of a speech recognition device having a first language-property recognition means (20) … to recognize a first language property and a second language-property recognition means (21, 22, 23) … to recognize a second language property of the speech information (SI) … wherein the first language property characterizes context of the speech information and the second language property is selected from the group consisting of speech segmentation, language information, and speaker group, would be an obvious modification to one skilled in the art in view of Brook

and Belenger, begs the question. How? It is easy to allege as being an obvious modification and thus merely reduces claim 1 to a mere "gist" or "thrust." Such an interpretation disregards the "as a whole" requirement of MPEP 2141.02, and distills the complexities of the actual system of Claim 1 to an abstract general buzz word, precisely the problem obviated by MPEP 2141.02. What provides the motivation to combine with the present method? How is the integration to occur? What suggests the desirability of such a combination?

Having shown that Brookes and Belenger fail to disclose each and every element claimed, applicant submits that the reason for the Examiner's rejection of claim 1 has been overcome and can no longer be sustained. Applicants respectfully submit that independent claim 6 and 11 are allowable for at least the same reasons as independent claim 1. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of claims 1, 6 and 11.

Claims 2 and 7 stand rejected under 35 USC 103(a) as being unpatentable over Brookes and Belenger in further view of Lee et al. (US PAP 2002/0087306).

With regard to claims 2-5 and 7-10 these claims depend from the independent claim discussed above, which have been shown to be allowable in view of the cited reference. Accordingly, each of claims 2-5 and 7-10 are also allowable by virtue of its dependence from an allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. Entry of this Response and a Notice of Allowance is respectfully requested.

Respectfully submitted,

Dan Piotrowski
Registration No. 42,079

/Daniel J. Piotrowski/

Date: September 14, 2008

**Mail all correspondence to:**
Dan Piotrowski, Registration No. 42,079
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9624
Fax: (914) 332-0615